

Message Text

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47

ACTION L-03

INFO OCT-01 NEA-10 ISO-00 SSM-03 SS-15 NSC-05 INR-07

CIAE-00 DODE-00 SAB-01 IGA-02 CCO-00 SSO-00 NSCE-00

INRE-00 SP-02 IO-11 /060 W
----- 089725

O 021530Z MAR 76

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC IMMEDIATE 616

C O N F I D E N T I A L CAIRO 2807

E.O. 11652: GDS

TAGS: PFR, MARR, OTRA

SUBJECT: SINAI FIELD MISSION PRIVILEGES AND IMMUNITIES

REF: STATE 49294

1. MFA DIRECTOR LEGAL DEPARTMENT IBRASHI APPRECIATED CLARIFICATIONS PROVIDED IN REFTEL AND BELIEVES THAT REVISED PARAGRAPH 7 OF DRAFT TEXT IS ALMOST ACCEPTABLE. HE IS, HOWEVER, STILL TROUBLED BY WORD "FREELY" SINCE HE FEARS IT COULD, IF AGREEMENT WERE TO BECOME PUBLIC, BE EXPLOITED BY OPPONENTS OF SINAI II AGREEMENT AS INFRINGEMENT ON EGYPTIAN SOVEREIGNTY. HE BELIEVES SOME REFERENCES TO EGYPTIAN REGULATIONS WOULD RESOLVE THIS ESSENTIALLY POLITICAL PROBLEM. IBRASHI PUT FORWARD FOLLOWING TWO OPTIONS FOR REWORDING OF PARAGRAPH 7:

A. "VESSELS, AIRCRAFT AND VEHICLES TRANSPORTING U.S. PERSONNEL IN THE PERFORMANCE OF THEIR RESPONSIBILITIES UNDER THE ABOVE AGREEMENT AND EQUIPMENT OR SUPPLIES RELATED TO SUCH ACTIVITIES MAY, WITHOUT PAYMENT OF FEES OR CHARGES, EXPEDITIOUSLY ENTER, DEPART OR MOVE WITHIN THE TERRITORY OF THE ARAB REPUBLIC OF EGYPT IN ACCORDANCE WITH THE REGULATIONS OF THE GOVERNMENT OF EGYPT, OTHER THAN IN AREAS NOT COVERED BY THE ABOVE AGREEMENT INTO WHICH THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT HAS RESTRICTED ACCESS." OR

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B. "VESSELS, AIRCRAFT AND VEHICLES TRANSPORTING U.S.

PERSONNEL IN THE PERFORMANCE OF THEIR RESPONSIBILITIES UNDER THE ABOVE AGREEMENT AND EQUIPMENT OR SUPPLIES RELATED TO SUCH ACTIVITIES MAY, WITHOUT PAYMENT OF FEES OR CHARGES, EXPEDITIOUSLY ENTER, DEPART OR MOVE WITHIN THE TERRITORY OF THE ARAB REPUBLIC OF EGYPT IN ACCORDANCE WITH PROCEDURES AGREED UPON BETWEEN THE TWO GOVERNMENTS, OTHER THAN IN AREAS NOT COVERED BY THE ABOVE AGREEMENT INTO WHICH THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT HAS RESTRICTED ACCESS."

2. IBRASHI CLEARLY PREFERRED OPTION A, BUT HE GAVE IMPRESSION THAT HE COULD SELL OPTION B TO HIS SUPERIORS. REQUEST DEPT VIEWS.

3. IBRASHI ALSO RAISED POINT ABOUT EXTENT OF IMMUNITY IN CASE OF AUTOMOBILE OR OTHER ACCIDENTS FROM WHICH CLAIMS MIGHT RESULT. (HE HAD NO DIFFICULTY WITH IMMUNITY FROM CRIMINAL AND CIVIL JURISDICTION.) HE REQUESTED THAT LETTER BE SENT FROM AMBASSADOR TO FONMIN OUTLINING THRID-PERSON LIABILITY INSURANCE COVERAGE THAT SFM PERSONNEL WOULD CARRY. HE THOUGHT SUCH A LETTER WOULD BE USEFUL TO HIM IN RESPONDING TO QUESTIONS THAT MIGHT BE RAISED BY HIS SUPERIORS OVER IMMUNITY ISSUE. SFM/EMBASSY ARE DRAFTING SUCH A LETTER AND WILL SUBMIT TEXT TO DEPT FOR APPROVAL.

4. COMMENT: AS WE HAD PREVIOUSLY INDICATED, IBRASHI IS HIGHLY LEGALISTIC AND CONCERNED ABOUT PUTTING THE BEST FACE POSSIBLE ON US PRESENCE IN SINAI. HIS IMMEDIATE SUPERIOR, UNDER SECRETARY AHMED OSMAN, IS EVEN MORE SO. WE FOUND DURING SUEZ CANAL CLEARANCE NEGOTIATIONS THAT MFA LEGAL DEPT HAS PENCHANT FOR RAISING NEW POINTS EVERY DAY. AND IBRASHI IS RUNNING TRUE TO FORM. DESPITE THIS, WE DO NOT BELIEVE SERIOUS PROBLEM EXISTS OVER NEGOTIATION OF TEXT OF NOTE AND GRANTING OF ALL PRIVILEGES AND IMMUNITIES, WITH POSSIBLE EXCEPTION OF DEPENDENTS. WE WILL CONTINUE INSIST THAT DEPENDENTS SHOULD PROPERLY BE CONSIDERED UNDER UNITED STATES PERSONNEL, MENTIONED PARA 6 OF THE US PROPOSAL. THEY WOULD NOT BE HERE IF SPOUSES WERE NOT SERVING IN SINAI. IBRASHI HAS NOT YET PRESENTED DRAFT TEXT TO HIS SUPERIORS, PREFERRING TO HAVE AN AGREED TEXT
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WHICH HE CAN DEFEND BEFORE DOING SO.

5. HOWEVER, AMBASSADOR EARLIER SENT COPY OF INITIAL DRAFT TEXT TO UNDER SECRETARY OSMAN FOR HIS INFORMATION. HENCE, LATTER IS AWARE OF IT. AMBASSADOR HAS ALSO APPRISED FAHMY THT WE ARE CURRENTLY NEGOTIATING WITH MFA LEGAL DEPT REQUISITE EXCHANGE OF NOTES. FAHMY SAID THERE SHOULD BE NO PROBLEM,

BUT EMPHASIZED GOE CONCERN THAT NO DOCUMENT CONNECTED
WITH OR DERIVING FROM SINAI II BE SO WORDED AS TO
MAKE GOE VULNERABLE TO SYRIAN OR OTHER RADICAL
ARAB CHARGES THAT EGYPTIAN SOVEREIGNTY OVER SINAI
RENOUNCED OR IMPAIRED.
EILTS

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Message Attributes

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Draft Date: 02 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: RowellE0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
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Margaret P. Grafeld
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04 MAY 2006

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